UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,397	02/25/2002	Andreas Hofstetter	P01,0402 (26970-0156)	2404

26574   7590   02/07/2008
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER
BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
02/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/009,397	HOFSTETTER, ANDREAS
Office Action Summary	Examiner	Art Unit	
	Barbara N. Burgess	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _16 November 2007_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _16-20_ is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _16-20_ is/are rejected.

7) ☒ Claim(s) _16_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a) ☐ All　b) ☐ Some *　c) ☐ None of:

　　1. ☐ Certified copies of the priority documents have been received.

　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Amendment filed November 16, 2007. Claims 16-20

are presented for further examination.

Claim Objections

1.   Claim 16 is objected to because of the following informalities: the next to the last

limitation in the claim has a minor error. "If said server can perform said service, said

service performs…" Examiner understands this to be *server* instead of *service*.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yacoub (US Patent Publication 2003/0011805 A1) in view of Durst et al. (hereinafter

"Durst", US Patent No. 6,108,656).

As per claim 16, Yacoub discloses a method for operating a network for the

interconnection of computers having a server and a client, comprising: .

- inquiring by said client to said server, which is a queried server, for a specific service offered by said server, said client using specific parameters of said service (paragraphs [0017, 0023]);

- determining by said queried server whether it can perform said inquired service (paragraphs [0024, 0026]);

- if said server can perform said service, said service performs said service by said server (paragraphs [0037, 0039]);

- if said server cannot perform said service, said server switches said client to a further server or device connected to said network that is capable of executing said service using said transmitted datafile for the switching (paragraphs [0030, 0038-0040]).

Yacoub does not explicitly disclose:

- storing at least one datafile on said server that is executable in said server and in said client;

- calling said datafile by said client by sending a corresponding datafile address to said server;

- transmitting said datafile by said server to said client in response to said

calling said datafile by said client.

Durst discloses the user making a file request via the Internet by entering a URL. The target server fetches or generates the requested file. The file is transmitted to the client computer and displayed on the browser for viewing by the user (column 5, lines 47-52, column 8, lines 1-8, 40-41, 46-50, 53-65, column 9, lines 11-17, 20-24).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durst's storing datafiles, calling datafiles, and transmitting datafiles in Yacoub's method in order to indicate to the server which version of the client software is requesting the flie and generating a page to return to the client browser.

As per claim 17, Yacoub discloses the method for the operation of a network according to claim 16, wherein service offered by said server is executing a printing order, and said method further comprising:

forwarding, by said server, said print order to another server or directly to a printer device when said server itself cannot execute said print order (paragraphs [0024, 0039]).

As per claim 18, Yacoub discloses the method for the operation of a network according to claim 16, further comprising the steps of:
storing information about said services offered by said server in a databank of said server (paragraph [0030]);
examining said databank to determine if a service is present for an inquiry by said client (paragraph [0037]).

As per claim 19, Yacoub discloses the method for the operation of a network according to claim 16, further comprising:

generating an address of a further server or device for said server switching

said client to said further server or device (paragraph [0036]);

communicating said address to said client inquiring said server (paragraphs [0024-

0025].

As per claim 20, Yacoub does not explicitly discloses the method for the

operation of a network according to claim 16, further comprising:

installing an interpreter at said server;

interpreting, by said interpreter, language elements executable at said server

contained in said datafile;

executing, by said interpreter, said language elements executable at said

server;

executing, by said client, language elements executable at said client

contained in said datafile.

Durst teaches the user request including a file identifier, source identifier string that is

sent to the server. The server is able to decrypt and use the identifiers to retrieve the

requested files (column 8, lines 46-65).

Therefore one of ordinary skill in the art at the time the invention was made would

have found it obvious to implement or incorporate Durst's storing datafiles, calling

datafiles, and transmitting datafiles in Yacoub's method in order to indicate to the server

which version of the client software is requesting the flie and generating a page to return

to the client browser.

Response to Arguments

4.   Applicant's arguments filed have been fully considered but they are not
persuasive.

The Office notes the following argument(s):

(a)   Durst does not contain a disclosure of storing and transmitting datafiles that are
executable on the server and the client.

(b)   Nothing in Durst suggests that this file is an executable file, let an executable file
that is executable in the server and in the client.

(c)   No switching occurs using the transmitted datafiles.

In response to:

(a)-(b) Examiner thanks the Applicant for agreeing that Durst discloses transmitting
datafiles. Specifically, Durst teaches the target server storing datafiles and receiving
requests from the client computer (via browser) to transmit the stored datafiles. The
client sends an identifier of the datafile such as network address of target server and file
address such as URL (column 3, lines 7-13, 24-29, column 5, lines 47-50, column 9,
lines 11-17).

Applicant argues that the datafiles disclosed by Durst are not executable files.
However, according to Applicant's specification, "the invention is characterized in that
datafiles are deposited at the server, these datafiles being capable of being fetched by
the client and inventively comprising both *language elements executable* at the client as

well as language elements executable at the server. According to a preferred...the

language elements *executable at the client correspond to a mark-up language such as,*

for example, SGML, XML, HTML, since when establishing these datafiles..."

(paragraphs [0081-0082]). These mark-up languages are well-known to be used in the

formation of documents on the Internet or World Wide Web.

Durst further teaches launching (executing) an Internet browser application and file

location pointer such as URL code. This datafile is executed as result of a data string in

a machine-readable code having a command to launch (execute). Other data files,

such as magazine page, brochure, or memorandum, are executed in a similar manner.

These documents are considered intelligent documents.   These documents (datafiles)

are called by the user by entering a code having the location of the file and launching an

application to execute the file. The request is made using a URL and browser launch

command. The requested file is fetched from the target server and transmitted to the

requested client using the launched application (column 2, lines 60-65, column 3, lines

11-16, 20-22, column 4, lines 58-60, 65-67, column 5, lines 1-4, 15-2047-52, column 6,

lines 45-53).

Therefore, Durst indeed discloses storing and transmitting datafiles that are executable

on the server and the client.

(c)   Yacoub teaches user selecting parameters and preferences of a print job such as

image quality and/or speed. This information (datafile) is sent to the virtual printer,

which is an extension of a server. The virtual printer uses this information for

determining the best server for executing the job. If a selected printer is busy or cannot

complete the request, the virtual server changes to a server that can implement the

preference of the user (paragraphs [0030, 0038-0040]).

Therefore, Yacoub teaches switching using transmitted datafiles.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Barbara N. Burgess whose telephone number is (571)

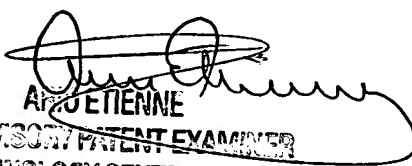272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

January 28, 2008